

ENTERED

March 24, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	Chapter 11
	§	
THE AZTEC FUND HOLDING, INC., <i>et al.</i> , ¹	§	Case No. 24-90436 (CML)
	§	
Debtors.	§	(Jointly Administered)
	§	

**STIPULATED MODIFICATION TO AGREED FINAL ORDER (I) AUTHORIZING
POST-PETITION USE OF CASH COLLATERAL, (II) GRANTING ADEQUATE
PROTECTION, (III) MODIFYING THE AUTOMATIC STAY, AND
(IV) GRANTING RELATED RELIEF**

(Relates to ECF No. 126)

WHEREAS, on August 6, 2024, the Debtors filed their *Emergency Motion for Entry of (A) Agreed Interim Order and (B) Final Order, (I) Authorizing Post-Petition Use of Cash Collateral, (II) Granting Adequate Protection, (III) Modifying the Automatic Stay, (IV) Establishing Procedures for Notice and Hearing on Final Order, and (V) Granting Related Relief* (the “Cash Collateral Motion”), Docket No. 16;

WHEREAS, on August 8, 2024, the Court held an interim hearing;

WHEREAS, on August 8, 2024, the Court entered the *Agreed Interim Order (I) Authorizing Post-Petition Use of Cash Collateral, (II) Granting Adequate Protection, (III) Modifying the Automatic Stay, (IV) Establishing Procedures for Notice and Hearing on Final Order, and (V) Granting Related Relief*, Docket No. 27;

WHEREAS, on October 15, 2024, the Court held a final hearing;

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if any, are: The Aztec Fund Holding, Inc. (7839); Aztec OME Holdings, Inc. (1731); OME 2001 Mark Center, LLC (9459); OME Bowie Corporate Center, LLC (2184); OME Lake Vista III & IV, LLC (4040); OME Windward Oaks, LLC (5261); TAF 5775 DTC, LLC (2526); TAF Intellicenter, LLC (0832); TAF Lakeside II, LLC (0253); TAF Pinnacle Park, LLC (3055); TAF Pinnacle Park Land, LLC (4591); and TAF Royal Tech, LLC (6049). The Debtors’ service address is: Paseo de los Tamarindos 90, Torre 2 - Piso 27, Bosque de las Lomas, CDMX 05120.

WHEREAS, on October 15, 2024, the Court entered the *Agreed Final Order (I) Authorizing Post-Petition Use of Cash Collateral, (II) Granting Adequate Protection, (III) Modifying the Automatic Stay, and (IV) Granting Related Relief* (the “Final Cash Collateral Order”),² Docket No. 126;

WHEREAS, the Debtors and Bank of America, National Association (“BANA”) have agreed, from time to time, to amend the Final Cash Collateral Order to extend the then applicable Termination Date and Budget; and

NOW THEREFORE, the Debtors and BANA agree to supplement and amend the Final Cash Collateral Order as follows (this “Amendment”):

1. The Debtors’ use of Cash Collateral shall be in accordance with and pursuant to the budget attached hereto as **Exhibit 1** and incorporated herein by reference (the “Budget”). In addition to the specific amounts set forth in the Budget, the Debtors may use Cash Collateral to continue to make Adequate Protection Payments and pay necessary expenses of the Debtors to maintain the Debtors’ remaining properties in substantially similar amounts and types as agreed in prior budgets; provided that, any single expense in excess of \$100,000 shall be first approved in writing by BANA. The Budget may be further modified as agreed between the Debtors and BANA.

2. In consideration for the continued use of Cash Collateral, Paragraph 5(b) of the Final Cash Collateral Order is amended to add a new section (iii) as follows:

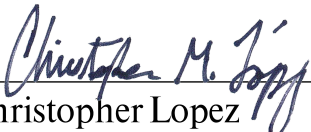
(iii) Adequate Protection Lien Property also includes the proceeds (but not the claims or causes of action), if any, of Debtors’ claims and causes of action under sections 502(d), 506(c), 544, 545, 547, 548, 549, 550, or 724(a) of the Bankruptcy Code or under any applicable state law; and

² All terms not defined herein have the meaning ascribed to them in the Final Cash Collateral Order.

3. Paragraph 10 of the Final Cash Collateral Order is amended to remove “November 2, 2024” and include “June 30, 2025.”

4. The Court has and will retain jurisdiction to enforce this Amendment and the Final Cash Collateral Order and with respect to all matters arising from or related to the implementation of the same.

Signed: March 24, 2025



Christopher Lopez
United States Bankruptcy Judge

Submitted by:

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COUNSEL FOR BANK OF AMERICA, N.A.

Exhibit 1**The Aztec Fund Holdings, Inc.
Cash Collateral Budget**

Category	February	March	April	May	June	Total
Munsch Hardt	\$ 83,140	\$ 60,000	\$ 60,000	\$ 45,000	\$ 60,000	\$ 308,140
GHA	19,845	35,000	35,000	35,000	40,000	164,845
Stretto	60,238	20,000	20,000	20,000	20,000	140,238
US Trustee fee	-	-	65,000	-	652,600	717,600
Asset management fee	-	65,000	65,000	65,000	65,000	260,000
Total	\$ 163,223	\$ 180,000	\$ 245,000	\$ 165,000	\$ 837,600	\$ 1,590,823
Total after PPL	-	\$ 64,252	\$ 245,000	\$ 165,000	\$ 837,600	1,311,852